IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1310 OF 1995

Stanley Peter Pereira .. Appellant

Vs.

Alban Jacinto Murzello @ Alban
Jacin (Jasalia) Murzello and ors. .. Respondents

Smt. Serena Stanley Pereira, Legal Heir of Late Shri Stanley Peter Pereira i.e. appellant in-person.

CORAM: B.H. MARLAPALLE, J.

Date : August 11, 2005.

P.C.:

. The appellant was defendant in S.C. Suit No.985 of 1991 and the interim order passed on 8th/9th February 1995 in favour of the plaintiffs was challenged in this appeal, which was admitted on 21/11/1995.

. S.C. Suit No.985/1991 has been finally decided and the plaint has been returned to the plaintiffs as the City Civil Court has no jurisdiction to try and entertain the suit, vide Judgment and Order dated 3/5/2003. Subsequently on 5/10/2003 the

appellant died. His wife Smt. Serena Stanley Pereira has taken out this motion for disposal of the appeal as withdrawn as the suit pending in the trial court is decided and nothing remains in the challenge of this appeal.

. Motion is hereby allowed. The appeal is dismissed as withdrawn. No costs.

(B.H. Marlapalle,J.)